PAIENI COUPERATION IREALY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

[A	Applicant's or agent's file reference 519502 NJC	FOR FURTHER AC'	FION	See Form PCT/IPEA/416		
Int. Cl. A61B 1/313 (2006.01) Applicant FISHER & PAYKEL HEALTHCARE LIMITED et al 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 4 sheets, including this cover sheet. 3. This report in these securiorization to the International Bureau) a total of 3 sheets, as follows. X sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). Administrative instructions. b. sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filled, as indicated in item 4 of Box No. 1 and the Supplemental Box. b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). 4. This report contains indications relating to the following items: Box No. I Basis of the report	International application No. PCT/NZ2005/000069		e (day/month/year)			
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	No. I		ne report				
i .			application in the language in which it was filed				
		A translation of the	ne international application into , which is the language of a ned for the purposes of:				
		internation	al search (under Rules 12.3(a) and 23.1 (b))				
		publication	of the international application (under Rule 12.4(a))				
		internation	al preliminary examination (Rules 55.2(a) and/or 55.3(a))				
2.	With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):						
		the international	application as originally filed/furnished				
	X	the description:					
			pages 1 to 9 as originally filed/furnished				
			pages* received by this Authority on with the letter of received by this Authority on with the letter of				
	V	the claims:	pages* received by this Authority on with the letter of				
		on with	pages as originally filed/furnished				
			pages* 10 to 12 as amended (together with any statement) under Article 19				
			pages* received by this Authority on with the letter of				
,	ومساو والسائل في		pages* received by this Authority on with the letter of				
	X	the drawings:					
			pages 1 to 5 as originally filed/furnished				
			pages* received by this Authority on with the letter of pages* received by this Authority on with the letter of				
		a sequence listin	g and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.				
3.			s have resulted in the cancellation of:				
		the desc	ription, pages				
			ms, Nos.				
		med het meks de	vings, sheets/figs				
			tence listing (specify);				
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4.		••••••••••••••••••••••••••••••••••••••	been established as if (some of) the amendments annexed to this report and listed below had not been have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule				
		the desc	cription, pages				
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		any tab	le(s) related to the sequence listing (specify):				
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	<i>\lambda</i>	uzm + appnes, some	or all of those sheets may be marked "superseded."				

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Box No. V	Reasoned statement un citations and explanation	der Article 35(2) with regard to novelty, i ons supporting such statement	inventive step or industrial applicability;
1. Statement	velty (Ň)	Claims 1 to 19	YES
110	,	Claims	NO
In	ventive step (IS)	Claims 1 to 19	YES
,		Claims	NO
In	dustrial applicability (IA)	Claims 1 to 19	YES
	•	Claims	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 US 2002/0022762 A1 (BEANE et al.) 21 February 2002

D2 US 5,910,106 A (MORGAN et al) 8 June 1999

D3 US 5,651,757 A (MECKSTROTH) 29 July 1997

D4 US 5,549,543 A (KIM) 27 August 1996

D5 US 6,354,992 B1 (KATO) 12 March 2002

D6 US 5,351,675 A (BRODSKY) 4 October 1994

D7 EP 1153567 A1 (SEITZINGER et al)14 November 2001

Novelty (N)

Claims 1 to 19 meet the criteria set forth in PCT Article 33(2) for novelty. The cited documents do not disclose a whitening element within or at the distal end of a heat conducting tube capable of receiving a distal portion of an optical instrument that enables white balancing of said optical instrument.

Inventive Step (IS)

The claimed invention is not obvious in the light of any of the cited documents nor is it disclosed in any obvious combination of them. It is also considered that it would not be obvious to a person skilled in the art in the light of common general knowledge either by itself or in combination with any of these documents.

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Box No. VIII	Certain observations on	the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 2 is not clear with regard to the definition "a heating element ... thermally coupled to said insulation layer" as this would appear to be of no effect. It may have been intended that the heating element be thermally coupled to the wall of the aperture.